

REMARKS:

Claims 8-29 and 44 are currently pending. Of these, claims 8 and 44 are the only independent claims.

The Examiner finally rejected claims 8-10, 16, 18, 28 and 44 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,026,538 issued to Boyd et al.

The Examiner states that Figs. 1 and 2 of Boyd et al. anticipate both independent claims (8 and 44) because each figure shows "a pool structure (11) floating on a sea; and means (37) for collecting and supplying deep-sea water to the pool structure."

While Boyd et al. generally discloses a pool that floats on a body of water, this reference in no way discloses or suggests a "means for collecting and supplying deep-sea water to the pool structure" as described and claimed in the present application. Instead, the pool of Boyd et al. merely has a "plurality of openings or perforations 37" that allow free flow of water into and out of the pool enclosure (see, for example, Fig. 5 and column 4, lines 9-10 and 73-74). In contrast, the present application discloses specific deep-sea water collection and supply structures, such as pipe 2 (see, for example, paragraph [0033] and Fig. 1).

This distinction between the collection and supply of sea water generally, and deep-sea water in particular, is critical. In fact, the term "deep-sea water" was initially rejected as indefinite. However, the Examiner has since acknowledged (in the present Office Action) that "all prior rejections of the claims under 35 USC 112, second paragraph have been overcome by [applicant's] response...." Accordingly, the Examiner now recognizes that the term "deep-sea water" is known by those of ordinary skill in the art to specifically mean seawater that is taken from about 200 meters or greater in depth.

Based on this specific meaning, the applicant respectfully submits that the limitation "means for collecting...deep-sea water" of claims 8 and 44 is not met by Boyd et al. because it is physically impossible for the disclosed perforations 37 to collect or supply deep-sea water. Indeed, in order for the perforations in the pool of Boyd et al. to collect and supply deep-sea water, this pool would have to be built large and durable enough to extend to a depth (and withstand the pressure) of 200 meters. Needless to say, nowhere does Boyd et al. disclose or suggest how to do such. Accordingly, this reference cannot anticipate any of the applicant's pending claims, each of which is limited specifically to possessing a structural "means for collecting and supplying deep-sea water," such as the pipe 2.

The Examiner also rejected independent claims 8 and 44 under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,317,898 issued to Mehta. The Examiner states that Figs. 1 and 2 of Mehta show a "pool structure floating on a sea (4); and means for collecting and supplying deep-sea water (64,62,60,58,56,54,52, 46,26,24, and 20, collectively; see col.4, line 59-col. 5, line 1) to the pool structure."

However, what Mehta shows in Figs. 1 and 2 is a boat floating on the sea with an inventive plumbing arrangement for selecting marine toilet flush water. No plausible pool structure is disclosed or suggested, as the disclosed toilet is obviously not for swimming. Nor is there any disclosure, suggestion, or practical reason for extending the intake pipe 64 the requisite 200 meters down from the boat in order to flush the toilet with deep-sea water.

Consequently, neither the Boyd et al. or Mehta patents teach or suggest a structural "means for collecting and supplying deep-sea water" as defined by the claims of the present application. Moreover, since all independent claims are clearly distinct from the prior art based on the inclusion of the "means for...deep-sea water" limitation, all dependent claims would also be so distinguished. Thus, the rejections made under 35 U.S.C. 103(a) are believed to have been obviated.

The Examiner noted that the trademark JACUZZI should be capitalized and followed by a generic term to ensure proper trademark use. Accordingly, the applicant has submitted herewith instructions to replace all instances of "Jacuzzi(s)" with either "JACUZZI spa" or "JACUZZI spas" as specified above.

In view of the foregoing, the applicant respectfully requests that all final rejections be withdrawn and that this case be reconsidered for allowance.

No fee is believed to be due with this Request for Reconsideration and Amendment. Should there be any unforeseen costs, please charge our Deposit Account No. 04-1935.

Respectfully submitted,



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